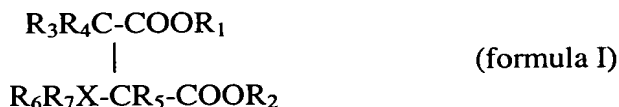


## APPENDIX

### CLAIMS ON APPEAL ARE 1 and 4-6:

1. A hydraulic fluid comprising a lubricant base oil in combination with
  - (a) from 0.001 to 5 %wt of magnesium salicylate,
  - (b) from 0.01 to 8 %wt of zinc dithiophosphate; and,
  - (c) from 0.001 to 5 %wt of a compound according to the following formula I



in which  $R_1$  and  $R_2$  are each hydrogen or alkyl or hydroxyalkyl of 1 to 30 carbon atoms;  $R_3$ ,  $R_4$  and  $R_5$  are each hydrogen or alkyl or hydroxyalkyl of 1 to 4 carbon atoms;  $X$  is CH or N and  $R_6$  and  $R_7$  are each hydrogen, alkyl or alkenyl of 1 to 30 carbon atoms, or an acyl group derived from a saturated or unsaturated carboxylic acid of up to 30 carbon atoms.

4. The hydraulic fluid of Claim 1, wherein the weight ratio of magnesium salicylate to zinc dithiophosphate ranges from 1:5 to 1:100; and, the weight ratio of magnesium salicylate to the compound of Formula I ranges from an amount greater than 1:0 to 1:50.
5. A hydraulic fluid according to claim 1, which fluid further comprises pour point depressant, anti-foam agent and/or demulsifier.
6. An additive package for preparing a hydraulic fluid which additive package comprises:
  - (a) from 0.001 to 5 %wt of magnesium salicylate,
  - (b) from 0.01 to 8 %wt of zinc dithiophosphate; and,
  - (c) from 0.001 to 5 %wt of a compound according to the following formula I



in which  $R_1$  and  $R_2$  are each hydrogen or alkyl or hydroxyalkyl of 1 to 30 carbon atoms;  $R_3$ ,  $R_4$  and  $R_5$  are each hydrogen or alkyl or hydroxyalkyl of 1 to 4 carbon atoms;  $X$  is CH or N and  $R_6$  and  $R_7$  are each hydrogen, alkyl or alkenyl of 1 to 30 carbon atoms, or an acyl group derived from a saturated or unsaturated carboxylic acid of up to 30 carbon atoms

wherein the weight ratio of magnesium salicylate to zinc dithiophosphate ranges from 1:5 to 1:100; and,  
the weight ratio of magnesium salicylate to the compound of Formula I ranges from an amount greater than 1:0 to 1:50.